



RECEIVED
PATENT

Attorney Docket No.: DIVER1370-8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay M. Short
Application No.: 10/034,985
Filed: December 21, 2001
Title: RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Art Unit: 1651
Examiner: Unassigned

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

COPY OF PAPERS
ORIGINALLY FILED

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed March 4, 2002,
enclosed are:

1. A copy of the Notice to File Missing Parts of Application (1 page);
2. An executed Declaration For Patent Application (3 pages);
3. An executed Power of Attorney by Assignee (2 pages);
4. Request for Correction of Filing Receipt (4 pages);
5. Change of Attorney Address (1 page);
6. Check number 507680 in the amount of \$65.00 as surcharge fee; and
7. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on April 29, 2002, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231

Karen LePari
Karen LePari

In re Application of:
Jay M. Short
Application No.: 10/034,985
Filed: December 21, 2001
Page 2



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Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

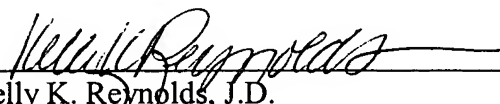
The filing fee has been calculated as follows.

	Number Filed		Number Extra		Rate			Fee	
					Large Entity	Small Entity		Small Entity	Large Entity
Total Claims	7 - 20	=	0	X	\$	\$09	=	\$0.00	\$ 0.00
Independent Claims	3 - 3	=	0	X	\$	\$42	=	\$0.00	\$ 0.00
Multiple Dependent Claims Presented: <input type="checkbox"/> Yes <input type="checkbox"/> No					\$	\$140		\$0.00	
					BASIC FEE			\$370.00	\$ 0.00
					TOTAL FEE			\$370.00 (already paid)	\$ 0.00

XX Enclosed is a check in the amount of \$65.00 as surcharge fee for missing parts of the application. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: April 29, 2002



Kelly K. Reynolds, J.D.
Registration No. 51,154
Telephone: (858) 677-6724
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
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USPTO Customer Number 28213

#4



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/034,985	12/21/2001	Jay Short	

CONFIRMATION NO. 9024

FORMALITIES LETTER



OC000000007571958

28213
GARY CARY WARE & FRIENDENRICH LLP
4365 EXECUTIVE DRIVE
SUITE 1600
SAN DIEGO, CA 92121-2189

COPY OF PAPERS
ORIGINALLY FILED

Date Mailed: 03/04/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

[Signature]
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/09/2002 BARBARA! 00000000 10034885

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05.00 OF



#5

PATENT
Attorney Docket No.: DIVER1370-8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay M. Short
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Filed: December 21, 2001
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Art Unit: 1651
Examiner: Unassigned

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Commissioner for Patents
Washington, D.C. 20231

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ORIGINAL FILED

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please make a correction *to the third line only* of the **Domestic Priority data as claimed by applicant** as follows:

WHICH IS A CIP OF 09/291,931 04/13/99 PAT 6,190,897

Please add to the **ATTY. DOCKET NO** the following:

DIVER1370-8

Applicants accordingly request the correction be made of record and a corrected filing receipt be issued.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on April 29, 2002, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231

Karen LePari

Karen LePari

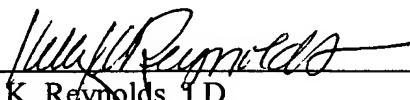
In re Application of:
Jay M. Short
Application No.: 10/034,985
Filed: December 21, 2001
Page 2

PATENT
Atty Docket No.: DIVER1370-8

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: April 29, 2002

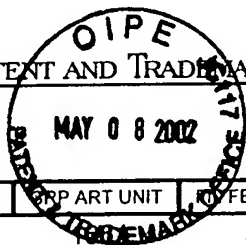


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APPLICATION NUMBER	FILING DATE	APPART UNIT	OFFEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/034,985	12/21/2001		370		3	7	3

CONFIRMATION NO. 9024

28213
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MAR 8 2002

GRAYCARY/GT PATENT

FILING RECEIPT



OC000000007571957

Date Mailed: 03/04/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jay Short, Rancho Santa Fe, CA;

Assignment For Published Patent Application

Diversa Corporation, San Diego, CA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/580,515 05/25/2000
WHICH IS A CIP OF 09/318,528 05/25/1999 PAT 6,183,740
~~WHICH IS A CIP OF 09/219,931 12/23/1998 PAT 6,225,410~~ *
WHICH IS A CIP OF 09/259,214 03/01/1999 PAT 6,110,719
WHICH IS A DIV OF 08/910,798 08/13/1997 PAT 5,876,997
(*) Data inconsistent with PTO records.

which is a CIP of
09/291,931 04/13/99
PAT 6,190,897

Foreign Applications

If Required, Foreign Filing License Granted 02/14/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

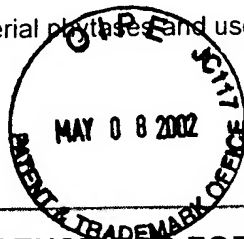
** SMALL ENTITY **

Title

Recombinant bacterial phytases and uses thereof

Preliminary Class

424

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**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).